

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 4 and 5, 2005**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 4 and 5, 2005.

TUESDAY, JANUARY 4, 2005—9:00 A.M.

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| (1) | S120332 | HLC Properties v. Superior Court |
| (2) | S119129 | People v. Guzman |
| (3) | S119248 | Burbank v. State Water Resources Control Board |

1:30 P.M.

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| (4) | S110301 | Donaldson v. National Marine, Inc. |
| (5) | S026223 | People v. Gregory Smith [<i>Automatic Appeal</i>] |
| (6) | S028970 | People v. Richard Stitely [<i>Automatic Appeal</i>] |

WEDNESDAY, JANUARY 5, 2005—9:00 A.M.

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| (7) | S116288 | Cronus Investments v. Concierge Services |
| (8) | S123853 | Walker v. Los Angeles Metropolitan Transportation Auth. |
| (9) | S045504 | People v. Hooman Ashkan Panah [<i>Automatic Appeal</i>] |

George
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT OF CALIFORNIA
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JANUARY 4 and 5, 2005**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JANUARY 4, 2005—9:00 A.M.

(1) HLC Properties v. Superior Court, S120332

#03-158 HLC Properties v. Superior Court, S120332. (B167458; 112 Cal.App.4th 305; Superior Court of Los Angeles County; SC062601.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issues: (1) What is an “organization” capable of holding and claiming the attorney-client privilege? (See Evid. Code, § 175.) (2) If an individual’s assets are managed by such an “organization” and the individual, personally or through agents, consults an attorney about those assets, is the attorney-client privilege held by the individual or the organization? (3) Assuming the privilege is held by the organization in such circumstances, does the privilege transfer to a successor entity that acquires the assets through probate of the individual’s estate? (See Evid. Code, § 953(d).)

(2) People v. Guzman, S119129

#03-134 People v. Guzman, S119129. (H024003; 111 Cal.App.4th 57; Superior Court of Santa Clara County; CC199361.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issues:

(1) Under the provisions of the Substance Abuse and Crime Prevention Act of 2000 (Prop. 36, Gen. Elec. (Nov. 7, 2000)), is a defendant who commits a nonviolent drug possession offense while on *probation* for a nonviolent and nonserious offense entitled to the remedial treatment provided by that act? (2) If not, does the act violate equal protection because a defendant who commits a nonviolent drug possession offense while on *parole* for a nonviolent and nonserious offense is entitled to such treatment?

(3) Burbank v. State Water Resources Control Board, S119248

#03-140 Burbank v. State Water Resources Control Board, S119248. (B150912, B151175, B152562; 111 Cal.App.4th 245; Superior Court of Los Angeles County; BS060957, BS060960.) Petition for review after the Court of Appeal reversed the judgments in an action for writ of administrative mandate. This case includes the following issue: Under California's Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), are regional water boards required to consider economic factors when issuing discharge permits to publicly owned treatment works, or are such economic considerations properly taken into account only at an earlier stage when the relevant agency formulates the water quality standards upon which the subsequent discharge permits are based?

1:30 P.M.

(4) Donaldson v. National Marine, Inc., S110301

#02-189 Donaldson v. National Marine, Inc., S110301. (A092876, A093705; 101 Cal.App.4th 552.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Do California state courts have jurisdiction over plaintiff's claim under the Jones Act (46 U.S.C. § 688) for death of a seaman outside California territorial waters?

(5) People v. Gregory Smith, S026223 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(6) People v. Richard Stitely, S028970 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, JANUARY 5, 2005—9:00 A.M.

(7) Cronus Investments v. Concierge Services, S116288

#03-92 Cronus Investments v. Concierge Services, S116288. (B159591; 107 Cal.App.4th 1308; Superior Court of Los Angeles County; LC060095.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. This case includes the following issue: Was the trial court authorized, under California Code of Civil Procedure section 1281.2(c), to stay arbitration in this matter pending the outcome of related litigation, or does the Federal Arbitration Act (9 U.S.C. § 1 et seq.) preempt and preclude the application of this state statute?

(8) Walker v. Los Angeles Metropolitan Transportation Auth., S123853

#04-47 Walker v. Los Angeles Metropolitan Transportation Auth., S123853. (B156420; 116 Cal.App.4th 43; Superior Court of Los Angeles County; BC199069.) Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case presents the following issue: Under what circumstances, if ever, should the Court of Appeal construe a notice of appeal from a non-appealable order, such as a notice of appeal from the denial of a motion for new trial, as a notice of appeal from the underlying, appealable judgment?

(9) People v. Hooman Ashkan Panah, S045504 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.